

Examiner-Initiated Interview Summary	Application No. 10/553,523	Applicant(s) UEHATA ET AL.	
	Examiner DAVID EASTWOOD	Art Unit 3731	

All participants (applicant, applicant's representative, PTO personnel):

- (1) DAVID EASTWOOD. (3) Ryan Severson.
 (2) Donald R. Studebaker. (4) ____.

Date of Interview: 28 September 2011.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
 If Yes, brief description: ____.

Issues Discussed ☐ 101 ☐ 112 ☒ 102 ☐ 103 ☒ Others
 (For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 1, 21 and 22.

Identification of prior art discussed: Kuhr et al. (US 2002/0040230).

Substance of Interview

(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

The Examiner and Applicant discussed the limitation "a lancet moving mechanism for moving the lancet" in claims 1 and 21. The Examiner confirmed with applicant that applicant intended to invoke 112 sixth paragraph interpretation with regard to the aforementioned limitation amended into claims 1 and 21. The Examiner then noted that the supported specification describing the lancet moving mechanism as described on pages 11-13 of the instant specification is also claimed in claims 1 and 27-28 of copending application 10/552841. The Examiner further noted that the aforementioned limitation is allowable subject matter but that in order to put those claims in condition for allowance Applicant needed to file a terminal disclaimer with regard to the copending application in order to obviate a obvious double patenting rejection over the copending application in view of the Kuhr reference. Applicant declined to file the terminal disclaimer. The Examiner further noted that new claim 22 does not include the allowable subject matter and would be rejected in view of the Kuhr reference. Applicant agreed to cancel claim 22.

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☒ Attachment

/D. E./ Examiner, Art Unit 3731	/S. Thomas Hughes/ Supervisory Patent Examiner, Art Unit 3731
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